

रजिस्ट्रार नं० पी० ४६१.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, १ नवम्बर, १९७२/१० कार्तिक, १८९४

GOVERNMENT OF HIMACHAL PRADESH

ELECTION DEPARTMENT

NOTIFICATION

Simla-4, the 30th October, 1972

No. 7-24/72-Elec.—Whereas a General Election was called upon for all the constituencies (wards) of all the Gram Sabhas comprised within Simla district [except Kumarsain Gram Sabha in Sub-Tehsil Kumarsain, election of which was postponed *vide* notification of even number, dated the 7th October, 1972, published in Himachal Pradesh Rajpatra (Extraordinary issue), dated the 7th October, 1972], to elect members for the Executive Committees, (Gram Panchayats), *vide* this Department's notification of even number dated the 30th September, 1972 published in the Himachal Pradesh Rajpatra (Extraordinary issue), dated the 30th September, 1972;

Whereas in certain constituencies (wards) of various Gram Sabhas of Simla district no nomination papers were filed during the dates specified in the notice of election issued by the Deputy Commissioner, Simla under rule 11 of the Himachal Pradesh Gram Panchayat (Elections) Rules, 1972;

Now, therefore, in order to complete the elections of the vacant seats in various Gram Sabhas in Simla district (except Gram Sabhas Zar, Deeb and Kumarsain in Sub-Tehsil Kumarsain for which separate notification under

section 49 of the Himachal Pradesh Panchayati Raj Act, 1968, has been issued), the Governor, Himachal Pradesh is pleased to extend the date of completion of elections upto the 30th November, 1972.

By order,
L. TOCHHAWNG,
Secretary.

REVENUE DEPARTMENT NOTIFICATION

Simla-2, the 30th October, 1972

No. 10-23/71-Rev. A.—In exercise of the powers vested in it under section 17 of the Redemption of Mortgages (Himachal Pradesh) Act, 1971 (Act No. 13 of 1971), the Government of Himachal Pradesh is pleased to make the following Rules:—

1. *Short title, extent and commencement.*—(1) These rules shall be called the Redemption of Mortgages (Himachal Pradesh) Rules, 1972.

(2) They extend to the whole of Himachal Pradesh.

(3) They shall come into force at once.

2. *Definitions.*—In these rules unless there be anything repugnant in the context:—

(a) 'Act' means the Redemption of Mortgages (Himachal Pradesh) Act, 1971; and

(b) 'petition' means a petition under section 4 of the Act.

3. *Form of Petition and Court-fees thereon.*—(1) A petition shall be made in the Form 'A' attached to these rules, signed and verified as laid down in order VI, rules 14 and 15, respectively, of the Code of Civil Procedure, 1908.

(2) A petition shall bear the Court-fee prescribed by Article 1 (b) of Schedule II to the Himachal Pradesh Court-fees Act, 1968 (No. 8 of 1968), be accompanied by an attested copy of the latest jamabandi entry relating to the land, and a copy of the original mutation of mortgage. There shall be also filed with the petition as many copies thereof as is the number of persons mentioned in columns (2) and (3) of the petition:

Provided that if the petitioner is unable to supply copies of the latest jamabandi and the original mutation of the mortgage, he shall pay a fee of Rs. 2/- and the Collector shall get those copies from his office.

(3) A petition shall be presented to the Collector by the petitioner personally or through a duly authorised agent. In the case of two or more petitioners, it may be presented by any one of them.

4. *Number of Mortgagor to join a petition.*—When there are more mortgagors than one and all of them do not join in making a petition, it may be made by one or more of them, the names of the others being set out in column (2) of the petition, and the other mortgagors may subsequently be allowed to join as petitioners on such terms as may be decided by the Collector.

5. *Registering of petition and issue of notice.*—On receipt of a petition, or if it is not in order after getting the necessary corrections made, the Collector shall order it to be registered, fix a date for hearing the petition and cause notice thereof, together with a copy of the petition, to be served on the persons mentioned in columns (2) and (3) of the petition.

6. *Procedure.*—Except as otherwise provided by these rules the Collector dealing with a petition shall be guided by the procedure prescribed for the Revenue Officers in the enactments mentioned in section 3 of the Act, in so far as it may be applicable.

7. *Verification of defence statement.*—The persons mentioned in column (2) and (3) of the petition may at the first hearing, and shall if required by the Collector at any time, present a written statement of their defence, which shall also be signed and verified as laid down in order VI, rules 14 and 15, respectively, of the Code of Civil Procedure., 1908.

8. *Appearance in the proceedings.*—(1) Parties to the proceedings under the Act may appear in person or through a legal practitioner holding a power-of-attorney or other duly authorised agent.

(2) If any one of the petitioners or respondents is a minor or of unsound mind, the provisions of order XXXII, Code of Civil Procedure, 1908, shall so far as these may be applicable, apply to proceedings under the Act.

9. *Production of evidence and further enquiries.*—The Collector shall then hear the evidence produced by the parties and make such further enquiries as he may deem fit.

10. *Deposit of sum due under mortgage.*—The petitioner shall deposit the sum due under the mortgage as required under section 4 of the Act.

11. *Payment of sum deposited.*—(1) The sum deposited by the petitioner under rule 10 shall be paid to the person or persons entitled to receive it in accordance with the procedure laid down in sections 6, 7, 8, 9, 10 and 11 of the Act as the case may be.

(2) If there is any dispute between persons claiming to be entitled to receive the sum deposited by the petitioner under rule 10, the Collector may either decide the dispute himself, or order the sum deposited by the petitioner not to be paid to any one till the contesting persons have had their rights decided by a competent Court of Law.

FORM A

Application under section 4 of the Redemption of Mortgages (Himachal Pradesh) Act, 1971.

In the District.....Tehsil.....year.....

Name, parentage, caste and residence of the applicant	Name, parentage, caste and residence of other mortgagors not joining the application	Name, parentage, caste and residence of the mortgagee and (b) if he is not in possession of the land	The area and the date of description of the land mortgage to be redeemed
1	2	3	4

The name, parentage, caste and residence of the original mortgagor and mortgagee.	The amount for which the mortgage was effected	Payment if any, made towards the mortgage debt	Period for which the mortgagee has been in possession
5	6	7	8

How does the applicant claim the right of redemption	In case the respondent was not the original mortgagee, the manner in which he came to possess the mortgage rights	Remarks
9	10	11

- Note:—*(1) Attested copies of the latest jamabandi entry relating to the land and the mutation of the mortgage in question should be attached to the petition.
- (2) The facts in columns 5 to 11 should be given as are known to the petitioner and any mistake therein will not effect the petition.
- (3) If the petitioner is unable to secure copies of the latest jamabandi entry and the mortgage mutation or to give the fact required in column numbers 5 to 11, he should pay a fee of Rs. 2/- and the Collector shall get the necessary documents and facts from his office.

Signature of the petitioner.

VERIFICATION

Verified that the facts set out in columns.....are true to my knowledge while facts set out in column No.....are true to my belief and information.

Verified at.....on.....

Signature of the person making the verification.

By order,
K. C. CHAUHAN,
Under Secretary.